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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/001,507	10/25/2001	David H. Hanes	10007127-1	3209

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, FL 80527-2400

EXAMINER

PATEL, NIKETA I

ART UNIT	PAPER NUMBER
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2181

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/001,507

Applicant(s)

HANES, DAVID H.

Examiner

Niketa I. Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 9/2/2003, 8/18/2003.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 6-14 and 17-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Babowicz et al. U.S. Patent Number: 2005/0229013 A1 (hereinafter "*Babowicz*").
4. **Referring to claim 1**, *Babowicz* teaches a computer-readable medium having stored thereon a set of instructions to be executed, the set of instructions, when executed by a processor, cause the processor to perform a computer method of: receiving, by an interface, a computer formatted file from an external computer application [see figure 1 and paragraphs 22-23 – music from standard audio CD 108 or MP3 files 110 downloaded to computer 101 from the internet]; converting, by a conversion module, the computer formatted file into a compact disc-compliant format [see figure 1 and paragraphs 22-23 – converting to WAV format prior to burning CD 106]; and outputting, by an output interface, the compact disc-compliant formatted data [see paragraphs 22-23 – burning CD 106.]

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5. **Referring to claim 6**, *Babowicz* teaches the computer-readable medium according to claim 1, wherein the interface operable to receive the computer formatted file is an application programming interface callable by the external computer application [see paragraphs 22-23 – music and MP3 data downloaded from the Internet.]

6. **Referring to claim 7**, *Babowicz* teaches the computer-readable medium according to claim 6, wherein the external computer application provides one or more directives executable by the processor, the one or more directives comprising a recording speed [see paragraph 22 – options for selection by the user of the burning speed.]

7. **Referring to claim 8**, *Babowicz* teaches the computer-readable medium according to claim 6, wherein the external computer application provides one or more directives executable by the processor, the one or more directives comprising a recording type [see paragraph 22 – options for selection by the user of files.]

8. **Referring to claim 9**, *Babowicz* teaches the computer-readable medium according to claim 1, wherein the compact disc-compliant formatted data comprises pulse code modulated data that may be written to a compact disc [see paragraph 24 – ISO standard.]

9. **Referring to claim 10**, *Babowicz* teaches a method for converting a file into a compact disc-compliant format suitable for recording on a compact disc medium, comprising: receiving, by an interface to a compact disc recorder engine, a file in a first format that comprises data to be recorded on a compact disc from an external computer application [see figure 1 and paragraphs 22-23 – music from standard audio CD 108 or MP3 files 110 downloaded to computer 101 from the Internet]; processing, by a module of the compact disc recorder engine, the file in the first format [see figure 1 and paragraphs 22-23 – converting to WAV format prior to burning CD

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106]; and outputting, by the compact disc recorder engine, the data in a compact disc-compliant format [see paragraphs 22-23 – burning CD 106.]

10. **Referring to claim 11**, *Babowicz* teaches the method according to claim 10, wherein the first format is one of a computer audio format, a computer video format and a computer data format [see paragraphs 22-23 – music from standard audio CD 108 or MP3 files.]

11. **Referring to claim 12**, *Babowicz* teaches the method according to claim 10, wherein processing the file further comprises converting, by an audio conversion module of the compact disc recorder engine, the file into a compact disc-compliant audio format [see paragraphs 22-23 – converting to WAV format prior to burning CD 106.]

12. **Referring to claim 13**, *Babowicz* teaches the method according to claim 10, wherein processing the file further comprises converting, by a video conversion module of the compact disc recorder engine, the file in to compact disc-compliant video format [see paragraphs 18, 66 – DVD format.]

13. **Referring to claim 14**, *Babowicz* teaches the method according to claim 10, wherein processing the file further comprises organizing, by a organization module of the compact disc recorder engine, the file into a compact disc-compliant data format [see paragraphs 22-23 – recording software.]

14. **Referring to claim 17**, *Babowicz* teaches the method according to claim 10, wherein receiving the file in the first format further comprises receiving, by the interface to the compact disc recorder engine, the file in the first format from the external computer application [see figure 1 and paragraphs 22-23 – music from standard audio CD 108 or MP3 files 110 downloaded to computer 101 from the Internet], the interface to the compact disc recorder

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engine is an application programming interface callable by the external computer application [see paragraphs 22-23 – recording software 104.]

15. **Referring to claim 18**, *Babowicz* teaches the method according to claim 17, wherein receiving the file in the first format further comprises calling the application programming interface by the external computer application, a recording speed being provided to the application programming interface by the external computer application [see paragraph 22 – options for selection by the user of the burning speed.]

16. **Referring to claim 19**, *Babowicz* teaches the method according to claim 17, wherein receiving the file in the first format further comprises calling the application programming interface by the external computer application, a recording type being provided to the application programming interface by the external computer application [see paragraph 22 – options for selection by the user of files.]

17. **Referring to claim 20**, *Babowicz* teaches the method according to claim 10, wherein outputting the data in a compact disc-compliant format further comprises outputting the data to a compact disc recorder device [see paragraphs 22-23 – burning to CD 106.]

18. **Referring to claim 21**, *Babowicz* teaches the method according to claim 10, wherein outputting the data in a compact disc-compliant format further comprises outputting the data to a compact disc rewritable device [see paragraph 21 – CD-RW.]

Claim Rejections - 35 USC § 103

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20. Claims 2-3 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Babowicz* as applied to claim 1 above, and further in view of *Ballantyne* U.S. Patent Number: 6,693,869 B1 (hereinafter "*Ballantyne*".)

21. **Referring to claim 2**, *Babowicz* teaches the computer-readable medium according to claim 1, however does not set forth the following limitations which is taught by *Ballantyne* wherein the interface operable to receive the computer formatted file comprises a script interpreter [see *Ballantyne* column 8, line 47-62 – a script] in order to provide alternate means for recording a compact disc, different then the method of creating an image file on a hard disc and then copying the image file to the compact disc and thereby providing multiple means of burning a compact disc.

One of ordinary skill in the art at the time of applicant's invention would have clearly recognized that it is quite advantageous for *Babowicz* to implement the interface operable to receive the computer formatted file comprises a script interpreter the in order to provide alternate means for recording a compact disc, different then the method of creating an image file on a hard disc and then copying the image file to the compact disc and thereby providing multiple means of burning a compact disc. It is for this reason that one of ordinary skill in the art would have been motivated to implement a script interpreter in order to provide multiple means of burning a compact disc.

22. **Referring to claim 3**, the combination of *Babowicz* and *Ballantyne* teaches the computer-readable medium according to claim 2, wherein the computer formatted file is

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specified in a script file provided to the script interpreter by the external computer application, the script file comprising a list of one or more file names to be converted by the conversion module and output by the output interface [see *Ballantyne* column 8, line 47-62 – files that need to be included on the CD.]

23. **Referring to claim 15**, the combination of *Babowicz* and *Ballantyne* the method according to claim 10, wherein receiving the file in the first format further comprises receiving, by the interface to the compact disc recorder engine, the file in the first format specified by a script file provided by the external computer application, the script file interpreted by the interface to the compact disc recorder engine, the compact disc recorder engine retrieving the file in the first format after interpretation of the script file [see *Ballantyne* column 8, line 47-62 – files that need to be included on the CD.]

24. Claims 4-5 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Babowicz* as applied to claims 1 and 10 above, and further in view of *Ballantyne* and a non-patent literature document, titled “Schily’s User Commands” publication date July 21, 2001 (hereinafter “*Schily*”).

25. **Referring to claim 4-5 and 16**, in taking claim 15 as exemplary, the combination of *Babowicz* and *Ballantyne* teaches the method according to claim 15, however does not set forth the following limitations that are taught by *Schily* wherein receiving the file in the first format further comprises receiving the script file that specifies the file in the first format, the script file further specifying one or more directives including one of a recording type and a recording speed [see *Schily* discloses various types of parameters that can be specified in a script file to burn a

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compact disc, page 1; page 4, second to last paragraph "speed=#"; page 9, second paragraph "-audio"; page 10, last four paragraphs "-mode2", "-xa1", "-xa2"] in order to allow a user to set various parameters for burning a compact disc.

One of ordinary skill in the art at the time of applicant's invention would have clearly recognized that it is quite advantageous for *Babowicz* to implement receiving the file in the first format further comprises receiving the script file that specifies the file in the first format, the script file further specifying one or more directives including one of a recording type and a recording speed in order to allow a user to set various parameters for burning a compact disc. It is for this reason that one of ordinary skill in the art would have been motivated to implement a script interpreter in order to allow a user to set various parameters for burning a compact disc.

Conclusion

26. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following documents have been made record of to further show the state of the art as it pertains to recording a compact disc:

Jung et al. U.S. Patent Number: 6,868,463 B1

Furukawa U.S. Patent Number: 5,831,950

Ko et al. U.S. Patent Number: 6,907,189 B2

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Niketa I. Patel whose telephone number is (571) 272 4156. The examiner can normally be reached on M-F 8:00 A.M. to 5:00 P.M.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Sparks can be reached on (571) 272 4201. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Examiner:



Niketa Patel

06/24/2007